United Nations A/ES-10/298 S/2005/202

General Assembly
Security Council

Distr. General
24 March 2005

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 23 March 2005 from the Charge d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In violation and in total contempt of international law, Israel, the occupying Power, continues to relentlessly pursue its illegal policies and practices aimed at seizing and colonizing the Palestinian land. In this connection, on Monday, 21 March 2005, the Israeli Government confirmed its approval of plans to build 3,500 more housing units in the "Maale Adumim" settlement, the largest illegal Israeli settlement located east of Jerusalem in the Occupied Palestinian Territory. At the same time, the Israeli Government has also made several announcements regarding its intention to expand other illegal settlements in the Occupied Palestinian Territory, particularly settlements in and around Occupied East Jerusalem.

Such decisions by Israel, the occupying Power, reveal its intentions to continue creating facts on the ground and colonizing the Palestinian land in an effort to further entrench its illegal seizure of that land, rather than pursuing a final peace settlement based on international law and on ending its occupation since 1967. Moreover, these ongoing unlawful actions threaten the fragile ceasefire and calm that has been recently achieved by the Palestinian side and will seriously undermine efforts to revive the peace process. It has become tragically obvious that colonization and the peace process are incompatible; there can be no peace with the continued colonization of the Occupied Palestinian Territory, including East Jerusalem.

All such Israeli settlement policies and practices are being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. Article 49 of the Fourth Geneva Convention — the applicability of which has been reaffirmed by the Security Council in 27 resolutions and by the International Court of Justice in the Advisory Opinion of 9 July 2004 — clearly states that "The occupying Power shall not deport or transfer parts of its own

05-28342 (E) 280305

civilian population into the territory it occupies". Furthermore, article 85 (4) of Protocol I additional to the Geneva Conventions regards the transfer by the occupying Power of parts of its own civilian population into the territory that it occupies as a grave breach, and article 8 (b) (viii) of the Rome Statute of the International Criminal Court considers it to be a war crime.

Moreover, this latest Israeli decision to expand the "Maale Adumim" settlement will compound several problems already being confronted by the Palestinian civilian population in Occupied East Jerusalem. Thousands of Palestinian civilians in Occupied East Jerusalem will effectively be caged in and isolated, deprived of the prospect to grow, develop and connect with the rest of the West Bank. Such actions will also further infringe their freedom of movement and access to and from other Palestinian towns and cities, as well as infringing the access of the rest of the Palestinian population to Jerusalem. These restrictions will further exacerbate the difficult socio-economic conditions and humanitarian hardships being faced by the population. In addition, Israel's continuing illegal settlement campaign, along with its unlawful construction of the Wall in the Occupied Palestinian Territory, is gravely undermining the prospects for achieving the two-State solution in accordance with the road map. In this regard, it is imperative to recall that the road map specifically calls upon Israel to freeze all settlement activity.

In this regard, all Israeli settlement activities, including the unlawful construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, must be condemned and firmly rejected by the international community. Moreover, the members of the Quartet should make their positions clear in opposition to such unlawful policies and practices and demand that Israel uphold its commitments under the road map and adhere to international law. The international community must call upon Israel, the occupying Power, to scrupulously abide by all of its legal obligations under international law, including international humanitarian law and human rights law. Such respect for international law is critical for the renewal of peace negotiations and for progress to be made in this regard towards a different situation on the ground that would be conducive to the ultimate success of the peace process.

The present letter is in follow-up to our previous 214 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters dated from 29 September 2000 (A/55/432-S/2000/921) to 22 February 2005 (A/ES-10/297-S/2005/101) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that the Israeli occupying forces continue to use excessive and lethal force against the Palestinian civilian population under occupation. Since our last letter to you, at least six more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,647. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

Annex to the identical letters dated 23 March 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Tuesday, 22 February, to Monday, 14 March 2005)

Friday, 25 February 2005

Mazen Ahmed Awad Ben Hassan

Sunday, 27 February 2005

Mohammed Abdelhalim Hashem Ilasha (16 years old) (died from wounds sustained on 26 January 2005)

Wednesday, 2 March 2005

Fady Hassan Karinah (16 years old) (died from wounds sustained on 28 January 2004)

Monday, 7 March 2005

Mohammed Hamed Jalayta (9 years old)

Thursday, 10 March 2005

Mohammed Abdellatif Hussein Abu Khalil

Monday, 14 March 2005

Adham Hassan Al-Shaalan (died from wounds sustained December 2002)

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,647.